

**STATE WATER RESOURCES CONTROL BOARD
BOARD WORKSHOP SESSION – DIVISION OF DRINKING WATER
SEPTEMBER 7, 2017**

ITEM 7

SUBJECT

PUBLIC WORKSHOP TO RECEIVE ORAL AND/OR WRITTEN PUBLIC COMMENTS ON THE PROPOSED SURFACE WATER AUGMENTATION REGULATIONS PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT

DISCUSSION

Pursuant to Water Code sections 13521 and 13562, and Health and Safety Code sections 116271 and 116375, the State Water Board is proposing to adopt regulations establishing uniform water recycling criteria for the planned placement of recycled water into a surface water reservoir that is used as a source of raw water supply by a public water system providing drinking water, such that the adherence to the criteria would result in public health being adequately protected. The planned placement of recycled water into a surface water reservoir that is used as a source of raw water supply by a public water system is known as surface water augmentation (SWA).

Water Code section 13562 mandates that the State Water Board adopt uniform water recycling criteria for SWA, contingent on an Expert Panel, comprised of members in fields of expertise meeting applicable statutory criteria (as prescribed in Water Code section 13565), having made a finding that the criteria would adequately protect public health. On October 31, 2016, the Expert Panel made a finding that the proposed regulations would adequately protect public health.

In addition to the review by the Expert Panel, pursuant to Health and Safety Code 57004, the scientific basis and scientific portions of the proposed SWA regulations were mandated to be reviewed by an independent external panel of peers.

On July 21, 2017, the Notice of Proposed Rulemaking for the SWA regulations was published in the California Regulatory Notice Register (July 21, 2017 – No. 29-Z) pursuant to the requirements of the California Administrative Procedure Act (APA). Publication of the Notice of Proposed Rulemaking begins a mandatory comment period of no less than 45 days. During the public comment period, which the State Water Board has set for 53 days (ending at noon on September 12, 2017), the public may submit comments on the proposed regulations. The Notice of Proposed Rulemaking, as well as the proposed regulation text and the Initial Statement of Reasons, have been posted to the State Water Board's Web site at:

http://waterboards.ca.gov/drinking_water/certlic/drinkingwater/Surface_Water_Augmentation_Regulations.shtml

The proposed regulations for surface water augmentation include requirements for the water recycling agency that places recycled water into a surface water reservoir that is used as a source of raw water supply by a public water system, as well as requirements for the public water system using such a reservoir as a raw supply, to further treat the water at the public water system's surface water treatment plant before being distributed as drinking water.

The proposed surface water augmentation regulations do not require any public water system or water recycling agency to participate or engage in surface water augmentation. The proposed regulations include requirements – such as public notices, multiple public hearings, information to be placed on Web sites, etc. - that ensure that the public has significant opportunities to review information and provide comments to a public water system on a surface water augmentation project *prior* to implementation of a project.

HEARING OVERVIEW

The purpose of this public hearing is to receive oral and/or written comments from the public on the proposed regulations, in accordance with the APA. The APA hearing will be held during a Board workshop and will include a brief presentation by staff that includes background information and an overview of the proposed regulations. The staff presentation will be followed by time set aside to allow the public an opportunity to provide oral or written comments on the proposed regulations.

Although a quorum of Board members may be present, the Board will not take formal action at the hearing. The Board members and State Water Board staff may ask commentators clarifying questions. Public comments will be recorded and transcribed.

Following the conclusion of the public comment period on September 12, 2017, the State Water Board will review each comment received during the comment period, including at the public hearing. The State Water Board staff will then determine if any modifications should be made to the proposed regulations, which may then require an additional public comment period of no less than 15 days. Any additional comment period will be noticed. The State Water Board staff then addresses each comment in a Final Statement of Reasons and schedules a hearing at which the State Water Board will be asked to adopt the regulations. The adopted regulations will then be submitted to the Office of Administrative Law for review, and, if OAL approves the regulations, publication in the California Code of Regulations.

POLICY ISSUE

None – Hearing only, no decisions will be made.

FISCAL IMPACT

None – Hearing only, no decisions will be made.

REGIONAL BOARD IMPACT

None – Hearing only, no decisions will be made.

STAFF RECOMMENDATION

None – Hearing only, no decisions will be made.

State Water Board action on this item will support the State Water Board's mission statement: "To preserve, enhance, and restore the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper water resource allocation and efficient use, for the benefit of present and future generations."